IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

Crl.MC.No. 6 of 2007()

CRA.863/2006 of SPL.COURT SPE/CBI-II & IV ADDL.SESSIONS COURT, ERNAKULAM
ST.3196/2004 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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PETITIONER: ACCUSED

SHAJAN PETER, AGED 34 YEARS,
S/O. PATHROSE, MUKKATH HOUSE,
VAIKKARA P.O., KURUPPAMPADY.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS: COMPLAINANT AND STATE

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1. GIGY PAUL, S/O. POULOSE,
KALARICKAL HOUSE, VAIKKARA P.O.,
KURUPPAMPADY, PERUMBAVOOR.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 6 of 2007

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Dated this the 3rd day of January, 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I. Act. By the impugned order dt.28.10-.2006 the appellate court had suspended the execution of the sentence on condition that the petitioner deposits an amount of Rs.35,000/- within a month and executes a bond for Rs.25,000/- with two sureties to the satisfaction of the trial court.

2. Claiming to be aggrieved by the said order, the petitioner has come before this Court. After discussions at the Bar, the learned counsel only prays that 45 days further time may be granted to the petitioner to deposit the amount and avoid the predicament of suffering imprisonment before disposal of the appeal. The said request is accepted. The petitioner is granted time till 19.2.2007 to pay the amount of Rs.35,000/- before the court below.

3. This Crl.M.C. is hence allowed in part to the above extent.

(R. BASANT)
Judge

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